

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAJOR LEAGUE BASEBALL
PROPERTIES, INC. and CHICAGO CUBS
BASEBALL CLUB, LLC,

Plaintiffs,

v.

TOUSSIAINT STEVENS; STEVE RUSSELL;
RICHARD JEKEL; HOWARD KADET;
PETE GADBERRY; HARRY GIBSON,
individually and d/b/a Offcenter Marketing;
JASON ALSPAUGH, individually and d/b/a
Chi Apparel; LARRY BOISSEAU; BYRON
YABLON; JOHN YABLON; JOSE
VILLAREAL; RAMON RIOS; RICHARD
WELLS; DEESCO PERRIMAN, JR.;
MICHAEL QUATRINE; RAYMOND
MILLER; GARVIN WALKER; JAMES
PINKIN JR.; ROBERTO RAMIREZ;
THOMAS RUSSO; RENEE SMITH; TAHA
MANITA, individually and d/b/a E-Z
Connections; DONALD SIMON; JAKE
O'REILY; MATTHEW COLE; FRED
FULTON; ASEZAM RAHMAN; FAHIYM
AHMAD NASIR; LANITA COX;
ADVANCE DISTRIBUTORS INC.; RICKEY
LIAS JR.; ALFRED CURRY, individually and
d/b/a National Team Sports; KYLE SMITH;
and DOES 1-30,

Defendants.

Civil Action No. 1:16-cv-09140

MOTION FOR ENTRY OF DEFAULT AGAINST CERTAIN DEFENDANTS

To the Clerk of Court:

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs move for entry of default judgment against Defendants Taha Manita, individually and d/b/a E-Z Connections, Donald Simon, Jake O'Reily, Matthew Cole, Fred Fulton, Asezam Rahman, Fahiyim Ahmad Nasir,

LaNita Cox, Rickey Lias Jr., Alfred Curry, individually and d/b/a National Team Sports, and Kyle Smith (the “Default Defendants”) for failure to answer or otherwise plead to the relevant and operative complaints in this action. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs commenced this action on September 22, 2016 by filing a Complaint against Defendants, through which Plaintiffs seek affirmative relief. *See* ECF 1. On September 26, 2016, Plaintiffs filed the First Amended Complaint. ECF 23. On October 14, 2016, the Court granted Plaintiffs’ request to file a Second Amended Complaint, ECF 57, and Plaintiffs’ Second Amended Complaint was filed on October 18, 2016, ECF 58. On October 20, 2016, the Court granted Plaintiffs’ request to file a Third Amended Complaint, ECF 68, and Plaintiffs’ Third Amended Complaint was filed on October 24, 2016, ECF 69. On October 27, 2016, the Court granted Plaintiffs’ request to file a Fourth Amended Complaint, ECF 79, and Plaintiffs’ Fourth Amended Complaint was filed on November 1, 2016, ECF 80.

2. On October 27, 2016, the Court issued a Fourth Extended *Ex Parte* Temporary Restraining Order and Seizure and Impoundment Order, which shortened the time for Default Defendants to file an Answer and which stated, *inter alia*, that “**Defendants’ answering papers, if any, shall be filed with the Clerk of this Court . . . before 4:00 p.m. on November 2, 2016.**” Fourth Third Extended Order at 12 (emphasis added).

3. Default Defendants were personally served with a copy of the Summons and the Fourth Amended Complaint, along with a copy of the Fourth Extended Order.

4. Plaintiffs filed Affidavits of Service for each of the Default Defendants. *See* ECF 82, 84-93.

5. Pursuant to the Fourth Extended Order, Default Defendants were required to serve an answer or otherwise plead to the Fourth Amended Complaint on or before 4:00 p.m. on November 2, 2016.

6. To date, none of the Default Defendants has served an answer or any other responsive pleading to the relevant and operative complaints, nor has any counsel of record made an appearance on their behalf or otherwise contacted counsel for Plaintiffs.¹

7. Federal Rule of Civil Procedure 55(a) directs the clerk to enter default “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend....”

WHEREFORE, Plaintiffs respectfully request that default be entered against Defendants Taha Manita, individually and d/b/a E-Z Connections, Donald Simon, Jake O’Reily, Matthew Cole, Fred Fulton, Asezam Rahman, Fahiyim Ahmad Nasir, LaNita Cox, Rickey Lias Jr., Alfred Curry, individually and d/b/a National Team Sports, and Kyle Smith.

¹ Although it did not file an answer on November 2, 2016 as required by the Fourth Extended Order, Defendant Advance Distributors Inc. has been in communication with Plaintiffs in an effort amicably to resolve this dispute. Therefore, Plaintiffs do not seek entry of default against Defendant Advance Distributors Inc. at this time.

Dated: November 2, 2016

RILEY SAFER HOLMES & CANCELILA LLP

By: /s/ Brian O. Watson

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